

1 BRUCE SCOTT DICKINSON, ESQ.  
Nevada Bar No. 002297  
2 MICHAEL HOTTMAN, ESQ.  
Nevada Bar No. 008501  
3 JACQUELYN M. FRANCO, ESQ.  
Nevada Bar No. 13484  
4 **STEPHENSON & DICKINSON, P.C.**  
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9 Attorneys for Defendants

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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 LYNN ELYSE TRELL, an individual,  
14  
15 Plaintiff,

16 vs.

17 STEPHEN F. MCCUNE, an individual; SWIFT  
TRANSPORTATION CO., LLC, a foreign  
18 limited-liability company; DOES I through X;  
19 and ROE CORPORATIONS I though X,  
inclusive,

20 Defendants.  
21

CASE NO.:

**PETITION FOR REMOVAL**

22 TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
23 THE DISTRICT OF NEVADA:

24 Defendants respectfully petition the Court for an Order removing the above-entitled action to  
25 the United States District Court and allege as follows:

26 1. STEPHEN F. MCCUNE, and SWIFT TRANSPORTATION CO. OF ARIZONA,  
27 LLC (incorrectly named as SWIFT TRANSPORTATION CO., LLC) ("Defendants") are the  
28 Defendants in the above-entitled action.

1           2.     The above-entitled action was commenced against Defendants on May 1, 2017, in the  
2 District Court, Clark County, Nevada, and is now pending in such Court as Case No.: A-17-754803.

3           3.     A copy of the Summons and Complaint in Case No. A-17-754803 was served on  
4 Swift on May 9, 2017. Mr. McCune was served on May 11, 2017. Copies of the Summons,  
5 Complaint, and Proof of Service showing that the Complaint was served on Wal-Mart are attached  
6 hereto as Exhibit "A". Copies of the Summons and Complaint served on Mr. McCune are attached  
7 as Exhibit "B". We have not yet received the Proof of Service from Plaintiff's counsel. This Notice  
8 is filed with the Court within thirty (30) days after service of the original Summons and Complaint in  
9 the above-entitled action.

10          4.     The above action is an action for damages as a result of a motor vehicle accident  
11 wherein the amount in controversy exceeds the sum of \$75,000.00. In further support of its claim  
12 that the amount in controversy exceeds \$75,000.00, Defendants state as follows:

13                 Plaintiff is alleging:

14           a.     That she suffered a neck, back and shoulder injuries as a result of a motor vehicle  
15 accident. The neck injury required a fusion surgery at C6-7, and three rhizotomies.

16           b.     \$256,928.68 in past medical bills;

17           c.     \$1,558,930.00 in future medical expenses;

18           d.     \$432,000.00 in lost earning capacity;

19           e.     \$118,263.00 in loss of household services; and

20           f.     \$10,000,000.00 in pain & suffering.

21          6.     SWIFT TRANSPORTATION CO. OF ARIZONA, LLC is a Delaware limited  
22 liability company with its principal place of business located in Arizona.

23          7.     Mr. McCune is a resident and citizen of the State of California.

24          8.     There is diversity of citizenship between Plaintiff and Defendants and this Court has  
25 jurisdiction over the above entitled action pursuant to 28 USC § 1332 and 28 USC § 1441.

26         ///

27         ///

28         ///

1 WHEREFORE, Defendants request that the above-entitled action be removed from  
2 the District Court, Clark County, Nevada to this Court.

3 DATED this 15 day of May, 2017.  
4

5 STEPHENSON & DICKINSON, P.C.

6  
7 By: 

8 BRUCE SCOTT DICKINSON, ESQ.

9 Nevada Bar No. 002297

10 MICHAEL HOTTMAN, ESQ.

11 Nevada Bar No. 008501

12 JACQUELYN M. FRANCO, ESQ.

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19 Attorneys for Defendants  
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**CERTIFICATE OF SERVICE**

Pursuant to F.R.C.P. 5(b), I hereby certify that I am an employee of STEPHENSON & DICKINSON and that on this 17 day of May, 2017, I caused to be served a copy of the foregoing: **PETITION FOR REMOVAL** on the party(s) set forth below by:

- ☐ Electronic service pursuant to NECFR 9
- ☐ Placing an original or true copy in a sealed envelope placed for collection and mailing in the United States Mail, at Las Vegas, Nevada, postage prepaid, following ordinary business practices;
- ☐ Facsimile transmission only, pursuant to the amended Eighth Judicial District Court Rule 7.26
- ☒ Case Management/Electronic Case Filing (CM/ECF)
- ☐ Hand Delivery – Receipt of Copy

addressed as follows:

Jason R. Maier  
Maier Gutierrez Ayon  
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Employee of STEPHENSON & DICKINSON